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CONTRA COSTA MEDICAL SERVICES
REGIONAL MEDICAL CENTER

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Attorney for plaintiff
C. ROBERT PETTIT, M.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C. ROBERT PETTIT, M.D.,

Plaintiff

v.

CONTRA COSTA MEDICAL SERVICES
REGIONAL MEDICAL CENTER and
DOES ONE THROUGH TWENTY,
Inclusive,

Defendants.

No. C 07 3358 JSW

JOINT CASE MANAGEMENT
CONFERENCE STATEMENT

1. JURISDICTION AND SERVICE

Jurisdiction is conferred as plaintiff has asserted a claim of age discrimination in violation of 29 U.S.C. 621, et seq (ADEA). Both plaintiff and defendant are alleged to be residents of the district served by the court. All named parties have been served and have

1 appeared.

2 2. FACTS

3 Plaintiff Robert Pettit, M.D. entered into a contract for service with Defendant Contra
4 Costa County. Dr. Pettit was to perform medical services for patients of Contra Costa County,
5 and was paid for these services. Dr. Pettit's contract was terminated, under the terms of the
6 contract. Dr. Pettit contends the contract was wrongfully terminated as a result of his
7 "whistleblowing" activities, in violation of public policy, and as a result of age discrimination.
8 Defendant denies these allegations.

9 3. LEGAL ISSUES

10 Legal issues include whether plaintiff can meet his burden of proof to show protection
11 under the whistleblowing statute (state and federal); whether plaintiff can prove, and defendant
12 can rebut, a prima facie case of age discrimination; whether plaintiff can prove a case for
13 public policy violation; and whether plaintiff can show a violation of the implied covenant of
14 good faith and fair dealing or a breach of contract

15 4. MOTIONS

16 There are no motions currently pending. Defendant anticipates filing a motion for
17 summary judgment or partial summary judgment

18 5. AMENDMENT OF PLEADINGS

19 No amendments are currently anticipated.

20 6. EVIDENCE PRESERVATION.

21 Defendants have taken steps to preserve evidence.

22 7. DISCLOSURES

23 The parties are in the process of preparing and exchanging Initial Disclosures, pursuant
24 to Fed. R. Civ. P. 26.

25 8. DISCOVERY

26 No discovery has been commenced. The parties propose discovery limits per Federal
27 Ruled of Civil Procedure. Non-expert discovery to be completed by . Expert discovery to
28 be completed by .

9. CLASS ACTIONS

1 Not applicable.

2 10. RELATE CASES

3 Not applicable.

4 11. RELIEF

5 Plaintiff seeks contract and compensatory damages (back pay and front pay), general
6 damages, reinstatement, punitive damages and attorney fees and costs.

7 NEED TO INSERT DAMAGES CALCULATIONS AND CASES.

8 12. SETTLEMENT AND ADR

9 This matter was mediated on November 26, 2007, before court appointed mediators
10 Peter Sherwood and Gary Bean, M.D. The case did not settle.

11 13. CONSENT TO MAGISTRATE JUDGE

12 The parties do not consent to magistrate judge for all purposes, and have filed
13 appropriate documentation.

14 14. OTHER REFERENCES

15 No other reference appear appropriate at this time.

16 15. NARROWING OF ISSUES

17 None appears appropriate at this time.

18 16. EXPEDITED SCHEDULE

19 An expedited schedule does not appear appropriate at this time.

20 17. SCHEDULING

21 Proposed Expert Disclosure:

22 Proposed Expert Discovery Cutoff:

23 Proposed hearing date for dispositive motions:

24 Proposed Pretrial conference date:

25 Proposed Trial Date:

26 18. TRIAL

27 The parties request a jury trial, and anticipate it will consume 5 to 7 court days.

28 19. DISCLOSURE ON NON-PARTY INTERESTED ENTITIES OR PERSONS

None.

1 20. OTHER MATTERS

2 None.

3
4 DATED: January 7, 2008

SILVANO B. MARCHESI
COUNTY COUNSEL

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7 By: 

JANET L. HOLMES
Deputy County Counsel
Attorneys for Defendant
CONTRA COSTA MEDICAL
SERVICES REGIONAL MEDICAL
CENTER

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12 DATED:

LAW OFFICES OF RAND L. STEPHENS

13 /s/
14 By: _____
15 RAND L. STEPHENS
16 Attorney for plaintiff
17 C. ROBERT PETTIT, M.D.
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